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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,428	01/18/2002	Gregory K. Otten	Grant Pridaco-124-1	1008

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	OTTEN ET AL.
Examiner James M Hewitt	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 22 May 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7+9 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 7 and 9 are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Species I in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Oath/Declaration***

*bw*  
The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the Application Number of the present application.

### ***Claim Objections***

Claims 3, 4, 6 and 8 are objected to because of the following informalities:

*✓* In claim 3, the language makes it unclear as to how the annular metal ring relates to the metal seal base recited in claim 1. From the specification, It is apparent that they

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are one and the same, and therefore claim 3 should be amended to convey that the metal seal base is comprised of an annular metal ring.

*gr* In claim 4, the language makes it unclear as to how the weld bead relates to the metal seal base recited in claim 1. From the specification, it is apparent that they are one and the same, and therefore claim 4 should be amended to convey that the metal seal base is comprised of a weld bead.

*gr* In claim 6 lines 12-13, it is apparent that "a tubular body" should be replaced with "the first tubular body".

*gr* In claim 8 line 3, it is apparent that "a tubular body" should be replaced with "the second tubular body".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

*gr* In claim 1, it is unclear how the pin and the box recited in the body of the claim relate to the pin end and the box end of two tubular bodies as recited in the preamble.

The claims makes it seem as if the pin and the box recited in the body are distinct to the connector, and not one and the same as the free pin end and free box end recited in the

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preamble. However, it is apparent that the free pin end corresponds to the pin and the free box end corresponds to the box. And if the connector is *for* connecting the free pin end and the free box end of the tubular bodies, how can the connector be said to comprise the pin and the box. The Examiner suggests amending the preamble.

*fw* In claim 6, it is unclear how the pin and the box recited in the body of the claim relate to the pin end and the box end of two tubular bodies as recited in the preamble. The claims makes it seem as if the pin and the box recited in the body are distinct to the connector, and not one and the same as the free pin end and free box end recited in the preamble. However, it is apparent that the free pin end corresponds to the pin and the free box end corresponds to the box. And if the connector is *for* connecting the free pin end and the free box end of the tubular bodies, how can the connector be said to comprise the pin and the box. The Examiner suggests amending the preamble.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 2,308,066) in view of Feisthamel (US 1,590,357).

With respect to claims 1 and 6, Evans discloses a connector comprising: a pin having pin threads formed externally on an end of a first tubular body (1), said pin threads extending from a starting point on said first tubular body and terminating adjacent the free pin end, a box having box threads formed internally on an end of a second tubular body (4), said box threads extending from a starting point on said second tubular body and terminating adjacent the free box end, said pin adapted to be received in and threadedly engaged with the box, an external seal (10) between the pin and the box adjacent the free box end, the external seal comprising a separately constructed annular body of metal secured on the pin end of the first tubular body (a pin seal surface formed externally of the pin on a third tubular body comprising a metal seal base separately added to the first tubular body), see page 1, column 2, lines 14-26). Evans fails to teach an internal seal adjacent the box threads starting point and the free pin end whereby said pin threads and said box threads are confined between said external and internal seals when said pin and box are engaged. Feisthamel discloses a pipe joint comprised of a pin and box. Feisthamel provides an external seal at the free box end and an internal seal (7a) adjacent the free pin end. The pin threads and box

threads are confined between the two seals. In view of Feisthamel's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Evans to include an internal seal as taught by Feisthamel in order to provide sealing between the free pin end and box to prevent fluid leakage, as is widely known in the art.

With respect to claim 2, wherein Evans' pin threads run out to an outside diameter of said first tubular at said starting point of said pin threads (see figures).

With respect to claim 3, wherein said metal seal base is formed as an annular metal ring and secured to said first tubular body.

With respect to claim 4, Evans states that his seal (10) may be applied by welding, and since during the welding process weld beads are applied to and form on a given surface, Evans is considered to meet the limitations of this claim.

With respect to claim 5, wherein said pin threads and said box threads are fully confined between said external and internal seals when said pin and box are engaged.

With respect to claim 8, Evans' metal body (10) in its operative state provides a line contact seal surface with the box end of said second tubular body (see figure 2).

And as Evans states that his seal (10) may be applied by welding, and during the welding process weld beads are applied to and form on a given surface, the weld beads being hemispherical in cross section, Evans is considered to meet the limitations of this claim.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cartensen ('997), Cartensen ('127), Brantly, Mannella et al, Graham, and Spang all constitute prior art devices considered by the Examiner to be relevant to the claimed invention(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*jmh*  
jmh  
August 7, 2003

*James M. Hewitt*  
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Patent Examiner  
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